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MERCHANT & GOULD BELLSOUTH CORPORATION			DANIEL JR, WILLIE J	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402			2617	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)
	09/877,967	BEDINGFIELD ET AL.
	Examiner	Art Unit
	WILLIE J. DANIEL JR	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 December 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,6-12,14-20 and 22-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4,6-12,14-20 and 22-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

1. This action is in response to applicant's amendment filed on 30 December 2008. Claims 1-4, 6-12, 14-20, and 22-28 are now pending in the present application and claims 5, 13, 21, and 29-33 are canceled. This office action is made Final.

### *Claim Objections*

2. Claim 10 is objected to because of the following informalities:
  - a. Claim 10 recites the limitation "...the simultaneous ring server is..." in line(s) 24 of the claim. The Examiner interprets as --the simultaneous ring service is-- (see claim 10, line 1) and suggests replacing said limitation to help clarify the antecedent of the claim language.
- Appropriate correction is required.
3. Due to the objections of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted. In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.
4. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 9 recites the limitation "...means for if..." in lines 6-9 of the claim. The claim includes a "...means for determining..." and "...means for routing..." in which there is no indication as to which "...means for..." provides the function.

Regarding claim 9, the claims recite language that is not clear and concise in which the Examiner respectfully request the applicant to clarify the claims. If the applicant considers the current language to be sufficient, the Examiner respectfully requests page(s), line(s), and/or drawing(s) of the instant application that supports the claim language and any supportive comment(s) to help clarify and resolve this issue(s).

6. Due to the 112 rejection of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted. In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.
7. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-12, 14-20, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (hereinafter O'Neil) (US 5,963,864) in view of Knoerle et al. (hereinafter Knoerle) (US 6,694,004 B1).

Regarding claim 1, O'Neil discloses a system (see col. 8, line 43-50; Fig. 1) for providing a simultaneous ring service for a subscriber (see abstract; col. 8, line 43-50; Figs. 4a-b and 5), the system comprising:

a means (e.g., SCP 24) for (see Figs. 1, 4a-b, and 5) determining, in response to detecting an incoming communication intended for a “wireline unit” (20e or 20f) which reads on the claimed “wired terminal”, if a simultaneous ring service (e.g., wireless telecommunication extension service) is available (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34), and where the system contains an AIN (Advanced Intelligent Network) which triggers an event (see col. 12, lines 25-40; col. 15, lines 1-9; Figs. 4A “step 110” and 5 “step 210”), where the switches (e.g., switch 16a-b) provide triggers on how to process a call to a wireless or wireline telephone number (or identifier) which operates in conjunction with the SCP according to the feature or service

provided (see col. 16, lines 4-32; col. 15, lines 40-50; col. 10, line 8 - col. 11, line 24; Figs. 4a-b and 5),

wherein the determining comprises:

determining if the wired terminal (20e) is available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a-b and 5);

determining if a “wireless unit” (34) which reads on the claimed “wireless terminal” associated with the wired terminal (20e) is available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy, and, if so,

if the wireless terminal (34) is associated with a voice messaging system (see col. 9, lines 29-39; col. 29, lines 29-38; col. 1, lines 31-44; Figs. 4A-B);

determining if a calling party number associated with the calling party from which the incoming communication is received matches a wireless number associated with the wireless terminal, wherein the wireless terminal is determined to be available if the calling party number does not match the wireless number (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy and when the wireless unit is indicated as busy, the system proceeds in a conventional manner (see col. 29, lines 22-28). As further support, the system may recognize the wireless unit as the calling party to indicate a busy signal, therefore allowing the system to proceed in a conventional or normal manner as evidenced by the fact that one of ordinary skill in the art would clearly recognize. ; and

determining if a simultaneous ring service associated with the wired terminal (20e) and the wireless terminal (34) is activated (see col. 16, lines 36-51; col. 17, lines 16-19; Fig. 4a “ref. 102”),

wherein the wireless terminal (34) is determined to be available if the simultaneous ring service is activated (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34); and

a means for placing a first outgoing communication (e.g., first call or leg) and a second outgoing communication (e.g., second call or leg), if the simultaneous ring service is determined to be available (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see Figs. 4a “ref. 108-110” & 5 “ref. 210”),

wherein:

the first outgoing communication (e.g., first call or leg) is routed to the wireless terminal (20e) based, at least in part, upon recognition of a wireless call indication digit (e.g., a flag) appended to a telephone number (e.g., wireline number) used to route the first outgoing communication (e.g., first call or leg) (see col. 16, lines 4-7; col. 20, lines 39-43; Figs. 4a-b and 5), where the system must have an indicator (e.g., flag) associated with the wireline number to indicate to look-up (or mapping or translation) a wireless number in the other (e.g., external) table or database and where the directory number for the wireless terminal is

stored in the database of the SCP for the extension services provided and the system (e.g., via devices 30, 16b, 24) generate signaling messages to set up and route calls (see col. 12, line 41 - col. 13, line 8; col. 16, line 52 - col. 17, line 19; Figs. 4a-b and 5); and

the second outgoing communication (e.g., second call or leg) is routed to the wired terminal (20e) (see col. 15, lines 40-50; col. 16, lines 4-30; col. 16, line 57 - col. 17, line 19; Figs. 4a-b and 5), and

is placed (e.g., via services node 30) a predetermined time period after the first outgoing communication (e.g., first call or leg) is placed (see col. 20, line 48 - col. 21, line 13; col. 21, lines 38-48; Fig. 4a “ref. 110”), where directing a call to the wireless unit (e.g., first call or leg; 34) takes a certain time period to setup then directing the call to the wireline unit (e.g., second call or leg; 20e) so the rings would be simultaneous because of the delay through the wireless network in which the wireless terminal and wired terminal both ring at the same time, concurrently, or within a matter of time (e.g., seconds) of each other, and

before the first outgoing communication is answered by the voice messaging system associated with the wireless terminal (34) (see col. 9, lines 29-39; col. 29, lines 29-38; col. 1, lines 31-44; Figs. 4A-B). O’Neil does not specifically disclose having the feature(s) determining if a calling party number associated with the calling party from which the incoming communication is received matches a wireless number associated with the wireless terminal, wherein the wireless terminal is determined to be available if the calling party number does not match the wireless number. However, the examiner maintains that the feature(s) determining if a calling party number associated with the calling party from which the incoming communication is received matches a wireless number associated with the

wireless terminal, wherein the wireless terminal is determined to be available if the calling party number does not match the wireless number was well known in the art, as taught by Knoerle.

In the same field of endeavor, Knoerle discloses the feature determining if a calling party number (e.g., secondary line) associated with the calling party from which the incoming communication is received matches a wireless number (e.g., wireless line) associated with the wireless terminal, wherein the wireless terminal is determined to be available if the calling party number does not match the wireless number (e.g., wireless line) (see col. 2, lines 16-37; Fig. 1), where the database (119) of SCP (116) stores records of subscribers. As further support, Knoerle at the least discloses the feature if a simultaneous ring service is available (see col. 2, lines 20-23; col. 1, lines 36-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neil and Knoerle to have the feature determining if a calling party number associated with the calling party from which the incoming communication is received matches a wireless number associated with the wireless terminal, wherein the wireless terminal is determined to be available if the calling party number does not match the wireless number, in order to provide a simultaneous ring service to subscriber's primary and secondary lines, as taught by Knoerle (see col. 1, lines 39-42).

Regarding claim 2, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 1), in addition O'Neil further discloses the system (Fig. 1) of claim 1, wherein the means (e.g., services node 30) for placing the first outgoing

communication and the second outgoing communication is further operative for (see col. 20, line 66 - col. 21, line 13; col. 21, lines 38-48; Fig. 4a “ref. 110”):

connecting the incoming communication to the wired terminal (20e) when the wired terminal (20e) is answered before the wireless terminal (34) (see col. 21, lines 50-59; Figs. 4a-b and 5); and

connecting the incoming communication to the wireless terminal (34) when the wireless terminal (34) is answered before the wired terminal (20e) (see col. 21, lines 50-59; Figs. 4a-b and 5).

Regarding claim 3, the combination of O’Neil and Knoerle discloses every limitation claimed, as applied above (see claim 2), in addition O’Neil further discloses the system (Fig. 1) of claim 2, wherein the means (e.g., services node 30) for placing the first outgoing communication and the second outgoing communication is further operative for (see col. 20, line 66 - col. 21, line 13; col. 21, lines 38-48; Fig. 4a “ref. 110”):

dropping the first outgoing communication when the wired terminal (20e) is answered before the wireless terminal (34) (see col. 23, lines 38-67; Figs. 4a-b and 5); and

dropping the second outgoing communication when the wireless terminal (34) is answered before the wired terminal (20e) (see col. 23, lines 38-67; Figs. 4a-b and 5).

Regarding claim 4, the combination of O’Neil and Knoerle discloses every limitation claimed, as applied above (see claim 3), in addition O’Neil further discloses the system of claim 3, wherein the means (e.g., service control point 24) for determining if a simultaneous ring service (e.g., wireless telecommunication extension service) is available an associated database (28, 36) for storing an identifier (e.g., wireless unit directory number) associated

with the wireless terminal (34) (see col. 15, lines 40-53; col. 12, lines 11-24; Fig. 1), where the directory number for the wireless terminal is stored in the database of the SCP for the extension services provided, and where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5).

Regarding claim 6, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 1), in addition O'Neil further discloses the system of claim 1, wherein the means (e.g., service control point 24) for determining if a simultaneous ring service (e.g., wireless telecommunication extension service) is available comprises means for determining whether the wired terminal (20e) is available by sending a query message to request a status of the wired terminal (20e) (see col. 16, line 66 - col. 17, line 12; col. 12, lines 25-40; Figs. 4a-b), where the system has a switch (16b) for detecting the services and where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5).

Regarding claim 7, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 6), in addition O'Neil further discloses the system of claim 6, wherein the means (e.g., service control point 24) for determining if a simultaneous ring service (e.g., wireless telecommunication extension service) is available further comprises means for determining whether the wireless terminal (34) is available by sending a query message to a home location register requesting the status of the wireless terminal (34)

(see col. 16, line 56-65; col. 18, line 6-19; Figs. 4a-b), where the system has a switch (16b) for detecting the services and where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5).

Regarding claim 8, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 7), in addition O'Neil further discloses the system of claim 7, wherein the means (e.g., service control point 24) for determining if a simultaneous ring service (e.g., wireless telecommunication extension service) is available further comprises means for determining that the wireless terminal (34) is available when the home location register (40) does not respond to the query message within a predetermined time period (see col. 14, lines 15-33; Figs. 1), when there is no response within a certain period of time from the HLR of the availability of the wireless unit the system will check the VLR when the wireless unit is roaming (see col. 18, line 4-19) and where the system has a switch (16b) for detecting the services and where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5).

Regarding claim 9, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 1), in addition O'Neil further discloses the system of claim 1, wherein the means (e.g., service control point 24) for determining if a simultaneous ring service (e.g., wireless telecommunication extension service) is available further

comprises means for routing the incoming communication to the wired terminal (20e) when the means (e.g., service control point) for if a simultaneous ring service (e.g., wireless telecommunication extension service) is available determines that at least one of the wired terminal (20e) and the wireless terminal (34) are not available (see col. 16, line 52 - col. 17, line 12) and where the system has a switch (16b) for detecting the services and where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5).

Regarding claim 10, O'Neil discloses a method for providing a simultaneous ring service for a subscriber (see abstract; col. 8, line 43-50; Figs. 4a-b and 5), the method comprising:

determining, in response to detecting an incoming communication intended for a "wireline unit" (20e or 20f) which reads on the claimed "wired terminal", if a simultaneous ring service (e.g., wireless telecommunication extension service) is available (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34), and where the system contains an AIN (Advanced Intelligent Network) which triggers an event (see col. 12, lines 25-40; col. 15, lines 1-9; Figs. 4A "step 110" and 5 "step 210"), where the switches (e.g., switch 16a-b) provide triggers on how to process a call to a wireless or wireline telephone number (or identifier) which operates in conjunction with the SCP according to the feature or service

provided (see col. 16, lines 4-32; col. 15, lines 40-50; col. 10, line 8 - col. 11, line 24; Figs. 4a-b and 5),

wherein the determining comprises:

determining if the wired terminal (20e) is available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a-b and 5);

determining if a “wireless unit” (34) which reads on the claimed “wireless terminal” associated with the wired terminal (20e) is available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy, and, if so,

if the wireless terminal (34) is associated with a voice messaging system (see col. 9, lines 29-39; col. 29, lines 29-38; col. 1, lines 31-44; Figs. 4A-B);

determining if a calling party number associated with the calling party from which the incoming communication is received matches a wireless number associated with the wireless terminal (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy and when the wireless unit is indicated as busy, the system proceeds in a conventional manner (see col. 29, lines 22-28). As further support, the system may recognize the wireless unit as the calling party to indicate a busy signal, therefore allowing the system to proceed in a conventional or normal manner as evidenced by the fact that one of ordinary skill in the art would clearly recognize.,

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wherein a wireless number (e.g., wireless directory number) is stored at a service control point (SCP 24) (see col. 15, lines 40-54; Fig. 1), where the SCP (24) stores information (i.e., wireless and wireline directory number) in database (28); and

determining if a simultaneous ring service associated with the wired terminal (20e) and the wireless terminal (34) is activated (see col. 16, lines 36-51; col. 17, lines 16-19; Fig. 4a “ref. 102”),

wherein the wireless terminal (34) is determined to be unavailable if the simultaneous ring server is not activated (see col. 16, lines 36-42; col. 29, lines 15-28; Figs. 4 “ref. 102” & 5 “ref. 202”), where the system determines that the extension service is disable which indicates the wireless terminal is unavailable as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

placing a first outgoing communication (e.g., first call or leg) and a second outgoing communication (e.g., second call or leg), if the simultaneous ring service is determined to be available (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see Figs. 4a “ref. 108-110” & 5 “ref. 210”),

wherein:

the first outgoing communication (e.g., first call or leg) is routed to the wireless terminal (20e) based, at least in part, upon recognition of a wireless call indication digit (e.g., a flag) appended to a telephone number (e.g., wireline number) used to route the first outgoing communication (e.g., first call or leg) (see col. 16, lines 4-7; col. 20, lines 39-43; Figs. 4a-b

and 5), where the system must have an indicator (e.g., flag) associated with the wireline number to indicate to look-up (or mapping or translation) a wireless number in the other (e.g., external) table or database and where the directory number for the wireless terminal is stored in the database of the SCP for the extension services provided and the system (e.g., via devices 30, 16b, 24) generate signaling messages to set up and route calls (see col. 12, line 41 - col. 13, line 8; col. 16, line 52 - col. 17, line 19; Figs. 4a-b and 5); and

the second outgoing communication (e.g., second call or leg) is routed to the wired terminal (20e) (see col. 15, lines 40-50; col. 16, lines 4-30; col. 16, line 57 - col. 17, line 19; Figs. 4a-b and 5), and

is placed (e.g., via services node 30) a predetermined time period after placing the first outgoing communication (e.g., first call or leg) (see col. 20, line 48 - col. 21, line 13; col. 21, lines 38-48; Fig. 4a “ref. 110”), where directing a call to the wireless unit (e.g., first call or leg; 34) takes a certain time period to setup then directing the call to the wireline unit (e.g., second call or leg; 20e) so the rings would be simultaneous because of the delay through the wireless network in which the wireless terminal and wired terminal both ring at the same time, concurrently, or within a matter of time (e.g., seconds) of each other, and

before the first outgoing communication is answered by the voice messaging system (see col. 9, lines 29-39; col. 29, lines 29-38; col. 1, lines 31-44; Figs. 4A-B). O’Neil does not specifically disclose having the feature(s) determining if a calling party number associated with the calling party from which the incoming is received matches a wireless number associated with the wireless terminal. However, the examiner maintains that the feature determining if a calling party number associated with the calling party from which the

incoming is received matches a wireless number associated with the wireless terminal was well known in the art, as taught by Knoerle.

Knoerle further discloses the feature determining if a calling party number (e.g., secondary line) associated with the calling party from which the incoming is received matches a wireless number (e.g., wireless line) associated with the wireless terminal (see col. 2, lines 16-37; Fig. 1). As further support, Knoerle at the least further discloses the feature(s) if a simultaneous ring service is available (see col. 2, lines 20-23; col. 1, lines 36-42; Fig. 1), and wherein the wireless number (e.g., wireless line) is stored at the service control point (116 SCP) (see col. 2, lines 16-37; Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neil and Knoerle to have the feature determining if a calling party number associated with the calling party from which the incoming is received matches a wireless number associated with the wireless terminal, in order to provide a simultaneous ring service to subscriber's primary and secondary lines, as taught by Knoerle (see col. 1, lines 39-42).

Regarding claim 11, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 10), in addition O'Neil further discloses the method of claim 10, further comprising:

connecting the incoming communication to the wired terminal (20e) when the wired terminal (20e) is answered before the wireless terminal (34) (see col. 21, lines 50-59; Figs. 4a-b and 5); and

connecting the incoming communication to the wireless terminal (34) when the wireless terminal (34) is answered before the wired terminal (20e) (see col. 21, lines 50-59; Figs. 4a-b and 5).

Regarding claim 12, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 11), in addition O'Neil further discloses the method of claim 11, further comprising:

dropping the first outgoing communication when the wired terminal (20e) is answered before the wireless terminal (34) (see col. 23, lines 38-67; Figs. 4a-b and 5); and  
dropping the second outgoing communication when the wireless terminal (34) is answered before the wired terminal (20e) (see col. 23, lines 38-67; Figs. 4a-b and 5).

Regarding claim 14, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 10), in addition O'Neil further discloses the method of claim 10, wherein determining if a simultaneous ring service is available comprises sending a query message requesting a status of the wired terminal (20e) (see col. 16, line 66 - col. 17, line 12; Figs. 4a-b) and where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5).

Regarding claim 15, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 14), in addition O'Neil further discloses the method of claim 14, wherein determining if a simultaneous ring service is available comprises sending a query message to a home location register requesting a status of the

wireless terminal (34) (see col. 16, line 56-65; col. 18, line 6-19; Figs. 4a-b) and where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5).

Regarding claim 16, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 15), in addition O'Neil further discloses the method of claim 15, wherein determining if a simultaneous ring service is available comprises determining that the wireless terminal (34) is available when the home location register (40) does not respond to the query message within a predetermined time period (see col. 14, lines 15-33; Figs. 1), when there is no response within a certain period of time from the HLR of the availability of the wireless unit the system will check the VLR when the wireless unit is roaming (see col. 18, line 4-19) and where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5).

Regarding claim 17, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 10), in addition O'Neil further discloses the method of claim 10, further comprising routing the incoming communication to the wired terminal (20e) when it is determined that at least one of the wired terminal (20e) and the wireless terminal (34) are not available (see col. 16, line 52 - col. 17, line 12).

Regarding claim 18, O'Neil discloses a system for providing a simultaneous ring service for a subscriber (see abstract; col. 8, line 43-50; Figs. 1, 4a-b, and 5), comprising:

a means (e.g., SCP 24) for determining, in response to detecting an incoming communication intended for a “wireline unit” (20e or 20f) which reads on the claimed “wired terminal”, if a simultaneous ring service (e.g., wireless telecommunication extension service) is available (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34), and where the system contains an AIN (Advanced Intelligent Network) which triggers an event (see col. 12, lines 25-40; col. 15, lines 1-9; Figs. 4A “step 110” and 5 “step 210”), where the switches (e.g., switch 16a-b) provide triggers on how to process a call to a wireless or wireline telephone number (or identifier) which operates in conjunction with the SCP according to the feature or service provided (see col. 16, lines 4-32; col. 15, lines 40-50; col. 10, line 8 - col. 11, line 24; Figs. 4a-b and 5),

wherein the means for determining comprises:

means for determining if the wired terminal (20e) is available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a-b and 5);

means for determining if a “wireless unit” (34) which reads on the claimed “wireless terminal” associated with the wired terminal (20e) is available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy, and, if so,

if the wireless terminal (34) is associated with a voice messaging system (see col. 9, lines 29-39; col. 29, lines 29-38; col. 1, lines 31-44; Figs. 4A-B); and

means for determining if a calling party from whom the incoming communication is received corresponds to an identifier of the wireless terminal (34) of the subscriber (see col. 15, lines 4-36; col. 20, line 48 - col. 21, line 13; col. 21, lines 38-48; Figs. 1, 4A “ref. 108 and 110”, and 4B), where the wireless terminal is associated with the wired terminal in which the terminals are able to receive incoming calls, and where a check is made to see if the wireless unit is available or busy and when the wireless unit is indicated as busy, the system proceeds in a conventional manner (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; col. 29, lines 22-28; Figs. 4a “ref. 108” and 5 “ref. 208”). As further support, the system may recognize the wireless unit as the calling party to indicate a busy signal, therefore allowing the system to proceed in a conventional or normal manner as evidenced by the fact that one of ordinary skill in the art would clearly recognize. ; and

the identifier (e.g., wireless directory number) of the wireless terminal (34) of the subscriber being stored in a service control point (SCP 24) (see col. 15, lines 40-54; Fig. 1), where the SCP (24) stores information (i.e., wireless and wireline directory number) in database (28);

wherein if the wireless terminal is determined to be available if the calling party number does not match the wireless number, the wireless terminal is determined to be available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy and when the wireless unit is indicated as busy, the system proceeds in a conventional manner (see col. 29, lines 22-28). As further support, the system may recognize the wireless unit as the calling party to

indicate a busy signal, therefore allowing the system to proceed in a conventional or normal manner as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

means for placing a first outgoing communication (e.g., first call or leg) and a second outgoing communication (e.g., second call or leg), if the simultaneous ring service is determined to be available (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see Figs. 4a “ref. 108-110” & 5 “ref. 210”),

wherein:

the first outgoing communication (e.g., first call or leg) is routed to the wireless terminal (20e) based, at least in part, upon recognition of a wireless call indication digit (e.g., a flag) appended to a telephone number (e.g., wireline number) used to route the first outgoing communication (e.g., first call or leg) (see col. 16, lines 4-7; col. 20, lines 39-43; Figs. 4a-b and 5), where the system must have an indicator (e.g., flag) associated with the wireline number to indicate to look-up (or mapping or translation) a wireless number in the other (e.g., external) table or database and where the directory number for the wireless terminal is stored in the database of the SCP for the extension services provided and the system (e.g., via devices 30, 16b, 24) generate signaling messages to set up and route calls (see col. 12, line 41 - col. 13, line 8; col. 16, line 52 - col. 17, line 19; Figs. 4a-b and 5); and

the second outgoing communication (e.g., second call or leg) is routed to the wired terminal (20e) (see col. 15, lines 40-50; col. 16, lines 4-30; col. 16, line 57 - col. 17, line 19; Figs. 4a-b and 5), and

is placed (e.g., via services node 30) before the first outgoing communication is answered by the voice messaging system associated with the wireless terminal (34) (see col. 9, lines 29-39; col. 29, lines 29-38; col. 1, lines 31-44; Figs. 4A-B). O’Neil does not specifically disclose having the features means for determining if a calling party from whom the incoming communication is received corresponds to an identifier of the wireless terminal of the subscriber, and wherein if the identifier associated with the calling party does not match the identifier of the wireless terminal, the wireless terminal is determined to be available. However, the examiner maintains that the features means for determining if a calling party from whom the incoming communication is received corresponds to an identifier of the wireless terminal of the subscriber, and wherein if the identifier associated with the calling party does not match the identifier of the wireless terminal, the wireless terminal is determined to be available was well known in the art, as taught by Knoerle.

Knoerle discloses the feature(s) means for determining, if a calling party from whom the incoming communication is received corresponds to an identifier (e.g., wireless line) of the wireless terminal of the subscriber (see col. 2, lines 16-37; Fig. 1),

wherein if the identifier associated with the calling party does not match the identifier of the wireless terminal, the wireless terminal is determined to be available (see col. 2, lines 31-37). As further support, Knoerle at the least further discloses the feature(s) if a simultaneous ring service is available (see col. 2, lines 20-23; col. 1, lines 36-42; Fig. 1); and the identifier of the wireless terminal of the subscriber being stored in a service control point (116 SCP) (see col. 2, lines 16-37; Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neil and Knoerle to have the features means for determining if a calling party from whom the incoming communication is received corresponds to an identifier of the wireless terminal of the subscriber, and wherein if the identifier associated with the calling party does not match the identifier of the wireless terminal, the wireless terminal is determined to be available, in order to provide a simultaneous ring service to subscriber's primary and secondary lines, as taught by Knoerle (see col. 1, lines 39-42).

Regarding claim 19, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 18), in addition O'Neil further discloses the system of claim 18, wherein the means for placing first and second outgoing communications further comprises:

means for connecting the incoming communication to the wired terminal (20e) when the wired terminal (20e) is answered before the wireless terminal (34) (see col. 21, lines 50-59; Figs. 4a-b and 5); and

means for connecting the incoming communication to the wireless terminal (34) when the wireless terminal (34) is answered before the wired terminal (20e) (see col. 21, lines 50-59; Figs. 4a-b and 5).

Regarding claim 20, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 19), in addition O'Neil further discloses the system of claim 19, wherein the means for placing the first outgoing communication and the second outgoing communication further comprises:

means for dropping the first outgoing communication when the wired terminal (20e) is answered before the wireless terminal (34) (see col. 23, lines 38-67; Figs. 4a-b and 5); and means for dropping the second outgoing communication when the wireless terminal (34) is answered before the wired terminal (20e) (see col. 23, lines 38-67; Figs. 4a-b and 5).

Regarding claim 22, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 18), in addition O'Neil further discloses the system of claim 18, wherein the means for determining whether the wired terminal (20e) is available further comprises means for sending a query message requesting a status of the wired terminal (20e) (see col. 16, line 66 - col. 17, line 12; Figs. 4a-b).

Regarding claim 23, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 22), in addition O'Neil further discloses the system of claim 22, wherein the means for determining whether the wireless terminal (34) is available further comprises means for sending a query message to a home location register requesting a status of the wireless terminal (34) (see col. 16, line 56-65; col. 18, line 6-19; Figs. 4a-b).

Regarding claim 24, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 23), in addition O'Neil further discloses the system of claim 23, wherein the means for determining whether the wireless terminal (34) is available further comprises means for determining that the wireless terminal (34) is available when the home location register (40) does not respond to the query message within a predetermined time period (see col. 14, lines 15-33; Figs. 1), when there is no response

within a certain period of time from the HLR of the availability of the wireless unit the system will check the VLR when the wireless unit is roaming (see col. 18, line 4-19).

Regarding claim 25, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 18), in addition O'Neil further discloses the system of claim 18, further comprising means for routing the incoming communication to the wired terminal (20e) when it is determined that at least one of the wired terminal (20e) and the wireless terminal (34) are not available (see col. 16, line 52 - col. 17, line 12).

Regarding claim 26, O'Neil discloses a computer readable medium comprising computer-executable instructions, the execution of which cause a computer to perform a method of providing a simultaneous ring service for a subscriber, the method comprising: determining, in response to detecting an incoming communication intended for a "wireline unit" (20e or 20f) which reads on the claimed "wired terminal", if a simultaneous ring service (e.g., wireless telecommunication extension service) is available (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34), and where the system contains an AIN (Advanced Intelligent Network) which triggers an event (see col. 12, lines 25-40; col. 15, lines 1-9; Figs. 4A "step 110" and 5 "step 210"), where the switches (e.g., switch 16a-b) provide triggers on how to process a call to a wireless or wireline telephone number (or identifier) which operates in conjunction with the SCP according to the feature or service provided (see col. 16, lines 4-32; col. 15, lines 40-50; col. 10, line 8 - col. 11, line 24; Figs. 4a-b and 5),

wherein the determining comprises:

determining if the wired terminal (20e) is available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a-b and 5);

determining if a “wireless unit” (34) which reads on the claimed “wireless terminal” associated with the wired terminal (20e) is available (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy, and, if so,

if the wireless terminal (34) is associated with a voice messaging system (see col. 9, lines 29-39; col. 29, lines 29-38; col. 1, lines 31-44; Figs. 4A-B);

determining if a calling party number associated with the calling party from which the incoming communication is received matches a wireless number associated with the wireless terminal (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy,

wherein the wireless number (e.g., wireless directory number) is stored at a service control point (SCP 24) (see col. 15, lines 40-54; Fig. 1), where the SCP (24) stores information (i.e., wireless and wireline directory number) in database (28);

wherein the wireless terminal is determined to be available if the calling party does not match the wireless number (e.g., wireless directory number) (see col. 12, lines 5-40; col. 16, line 57 - col. 17, line 19; Figs. 4a “ref. 108” and 5 “ref. 208”), where a check is made to see if the wireless unit is available or busy and when the wireless unit is indicated as busy, the system proceeds in a conventional manner (see col. 29, lines 22-28). As further support, the system may recognize the wireless unit as the calling party to indicate a busy signal,

therefore allowing the system to proceed in a conventional or normal manner as evidenced by the fact that one of ordinary skill in the art would clearly recognize. ; and

determining if a simultaneous ring service associated with the wired terminal (20e) and the wireless terminal (34) is activated (see col. 16, lines 36-51; col. 17, lines 16-19; Fig. 4a “ref. 102”),

wherein the wireless terminal (34) is determined to be available if the simultaneous ring service is activated (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34); and

placing a first outgoing communication (e.g., first call or leg) and a second outgoing communication (e.g., second call or leg) if the simultaneous ring service is determined to be available (see col. 15, lines 4-9, 21-29; col. 16, lines 36-42; col. 16, line 57 - col. 17, line 19; col. 17, lines 38-40; col. 12, lines 5-40; Figs. 4a-b and 5), where the system provides a service to concurrently ring both the wireline unit (20e) and wireless unit (34) (see Figs. 4a “ref. 108-110” & 5 “ref. 210”),

wherein:

the first outgoing communication (e.g., first call or leg) is routed to the wireless terminal (20e) based, at least in part, upon recognition of a wireless call indication digit (e.g., a flag) appended to a telephone number (e.g., wireline number) used to route the first outgoing communication (e.g., first call or leg) (see col. 16, lines 4-7; col. 20, lines 39-43; Figs. 4a-b and 5), where the system must have an indicator (e.g., flag) associated with the wireline

number to indicate to look-up (or mapping or translation) a wireless number in the other (e.g., external) table or database and where the directory number for the wireless terminal is stored in the database of the SCP for the extension services provided and the system (e.g., via devices 30, 16b, 24) generate signaling messages to set up and route calls (see col. 12, line 41 - col. 13, line 8; col. 16, line 52 - col. 17, line 19; Figs. 4a-b and 5); and

the second outgoing communication (e.g., second call or leg) is routed to the wired terminal (20e) (see col. 15, lines 40-50; col. 16, lines 4-30; col. 16, line 57 - col. 17, line 19; Figs. 4a-b and 5), and

is placed (e.g., via services node 30) a predetermined time period after the first outgoing communication (e.g., first call or leg) (see col. 20, line 48 - col. 21, line 13; col. 21, lines 38-48; Fig. 4a “ref. 110”), where directing a call to the wireless unit (e.g., first call or leg; 34) takes a certain time period to setup then directing the call to the wireline unit (e.g., second call or leg; 20e) so the rings would be simultaneous because of the delay through the wireless network in which the wireless terminal and wired terminal both ring at the same time, concurrently, or within a matter of time (e.g., seconds) of each other,

wherein:

the predetermined time period is configured to cause the wired terminal (20e) and the wireless terminal (34) to begin ringing within 3 seconds of each other (see col. 20, line 48 - col. 21, line 13; col. 21, lines 38-48; Fig. 4a “ref. 110”), where directing a call to the wireless unit (e.g., first call or leg) takes a certain time period to setup then directing the call to the wireline unit (e.g., second call or leg) so the rings would be simultaneous because of the delay through the wireless network in which the wireless terminal and wired terminal both

ring at the same time, concurrently, or within a matter of time (e.g., seconds) of each other and the system (e.g., via devices 30, 16b, 24) generate signaling messages to set up and route calls (see col. 12, lines 24-39; col. 20, line 66 - col. 21, line 13); and

if the wireless terminal (34) is determined to have the voice messaging system, the predetermined time period is configured for placing the second outgoing communication before the first outgoing communication is answered by the voice messaging system (see col. 9, lines 29-39; col. 29, lines 29-38; col. 1, lines 31-44; Figs. 4A-B). O’Neil does not specifically disclose having the feature(s) determining if a calling party number associated with the calling party from which the incoming communication is received matches a subscriber wireless number associated with the wireless terminal. However, the examiner maintains that the feature(s) determining if a calling party number associated with the calling party from which the incoming communication is received matches a subscriber wireless number associated with the wireless terminal was well known in the art, as taught by Knoerle.

Knoerle further discloses the feature determining if a calling party number (e.g., secondary line) associated with the calling party from which the incoming communication is received matches a subscriber wireless number (e.g., wireless line) associated with the wireless terminal (see col. 2, lines 16-37; Fig. 1). As further support, Knoerle at the least further discloses the feature(s) if a simultaneous ring service is available (see col. 2, lines 20-23; col. 1, lines 36-42), and wherein the wireless number (e.g., wireless line) for the wireless terminal is stored at the service control point (116 SCP) (see col. 2, lines 16-37; Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neil and Knoerle to have the feature(s) determining if a calling party number associated with the calling party from which the incoming communication is received matches a subscriber wireless number associated with the wireless terminal, in order to provide a simultaneous ring service to subscriber's primary and secondary lines, as taught by Knoerle (see col. 1, lines 39-42).

Regarding claim 27, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 26), in addition O'Neil further discloses the computer readable medium of claim 26, wherein the computer-executable instructions further comprise computer-executable instructions, the execution of which cause a computer to perform the method further comprising:

connecting the incoming communication to the wired terminal (20e) when the wired terminal (20e) is answered before the wireless terminal (34) (see col. 21, lines 50-59; Figs. 4a-b and 5); and

connecting the incoming communication to the wireless terminal (34) when the wireless terminal (34) is answered before the wired terminal (20e) (see col. 21, lines 50-59; Figs. 4a-b and 5).

Regarding claim 28, the combination of O'Neil and Knoerle discloses every limitation claimed, as applied above (see claim 27), in addition O'Neil further discloses the computer readable medium of claim 27, wherein the computer-executable instructions further comprise computer-executable instructions, the execution of which cause a computer to perform the method further comprising:

dropping the first outgoing communication when the wired terminal (20e) is answered before the wireless terminal (34) (see col. 23, lines 38-67; Figs. 4a-b and 5); and dropping the second outgoing communication when the wireless terminal (34) is answered before the wired terminal (20e) (see col. 23, lines 38-67; Figs. 4a-b and 5).

*Response to Arguments*

9. Applicant's arguments with respect to claims 1-4, 6-12, 14-20, and 22-28 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

10. In response to applicant's argument on pg. 19, 4<sup>th</sup> full par., "...Knoerle is not an effective prior art...", the Examiner respectfully disagrees. The Examiner considers the *background information* of Knoerle to be prior art (i.e., 35 U.S.C. § 102(b)) and the rejection is hereby maintained. As a note, see the office action(s) mailed on 18 July 2007 (item 4 of action) and 8 February 2007 (item 6 of action).

See MPEP § 2129.I and § 2129.II. [A statement by an applicant during prosecution identifying the work of another as "prior art" is an admission that that work is available as prior art against the claims, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories of 35 U.S.C. 102. Riverwood Int'l Corp. v.

R.A. Jones & Co., 324 F.3d 1346, 1354, 66 USPQ2d 1331, 1337 (Fed Cir. 2003)....

Consequently, the examiner must determine whether the subject matter identified as “prior art” is applicant’s own work, or the work of another. In the absence of another credible explanation, examiners should treat such subject matter as the work of another.]

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr  
22 February 2009

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617